United Nations A/C.3/58/L.29/Rev.1

General Assembly

Distr.: Limited
20 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 113
Promotion and protection of the rights of children

Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belarus, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Latvia, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, Mozambique, Netherlands, Nicaragua, Niger, Panama, Paraguay, Peru, Poland, Portugal, Romania, Saint Kitts and Nevis, Slovakia, Slovenia, South Africa, Spain, Suriname, Swaziland, Sweden, Timor-Leste, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela and Viet Nam: revised draft resolution

Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 57/190 of 18 December 2002, and Commission on Human Rights resolution 2003/86 of 25 April 2003,[1]

Emphasizing that the Convention on the Rights of the Child[2] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of its Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,[3] as well as other relevant human rights instruments,

[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 23* (E/2003/23), chap. II, sect A.
[2] Resolution 44/25, annex.
[3] Resolution 54/263, annexes I and II.

03-62395 (E) 211103

Reaffirming that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

Reaffirming also the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,[4] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[5]

Reaffirming further the United Nations Millennium Declaration[6] and the Declaration of Commitment on HIV/AIDS,[7]

Reaffirming the outcome document of the special session of the General Assembly on children entitled "A world fit for children",[8] and the commitments contained therein to promote and protect the rights of each child — every human being below the age of 18 years, including adolescents, and the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

Reaffirming also the essential roles of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in promoting and protecting the rights and welfare of children, and noting the importance of the debates held by the Security Council on children and armed conflict, of Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 and of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child[9] and on progress achieved in realizing the commitments of the document entitled "A world fit for children",[10] and the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[11]

Welcoming also the work of the Committee on the Rights of the Child in examining the progress made by States parties to the Convention in implementing the obligations undertaken in the Convention and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention,

Welcoming further the increase of the membership of the Committee on the Rights of the Child from ten to eighteen,

---

[4] A/45/625, annex.
[5] A/CONF.157/24 (Part I), chap. III.
[6] See resolution 55/2.
[7] Resolution S-26/2, annex.
[8] Resolution S-27/2, annex.
[9] A/58/282.
[10] A/58/333.
[11] A/58/328.

Welcoming the appointment by the Secretary-General of the independent expert for the United Nations study on violence against children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), malaria, tuberculosis, environmental damage, natural disasters, armed conflict, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Bearing in mind the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, and recalling the Declaration and Programme of Action on a Culture of Peace,[12] which serve as the basis for the Decade,

Recognizing that the family is the basic unit of society and as such should be strengthened, that it is entitled to receive comprehensive protection and support, that the primary responsibility for the protection, upbringing and development of children rests with the family, and that all institutions of society should respect the rights of the child and secure his or her well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love and understanding, bearing in mind that in different cultural, social and political systems, various forms of family exist,

Recognizing also that partnership among Governments, international organizations and relevant organs and organizations of the United Nations system, in particular the United Nations Children's Fund, and all actors of civil society, including non-governmental organizations, as well as the private sector, is important to realize the rights of the child,

Underlining the need for mainstreaming a gender perspective in all policies and programmes relating to children,

Implementation of the Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

1. *Urges* States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child[2] as a matter of priority, and urges States parties to implement it fully, while stressing that the implementation of the Convention and the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children are mutually reinforcing;

2. *Expresses its concern* about the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

[12] Resolutions 53/243 A and B.

3. *Urges* States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,[3] and urges States parties to implement them fully;

4. *Calls upon* States parties to ensure that the rights set forth in the Convention are respected without discrimination of any kind and that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development are ensured to the maximum extent possible, and that the child is able to express his or her views freely in all opinions on matters affecting him or her and that these views are listened to and given due weight in accordance with his or her age and maturity;

5. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by:

(a) Putting in place effective national legislation, policies and action plans and by strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child;

(b) Ensuring adequate and systematic training in the rights of the child for professional groups working with and for children, including specialized judges, law enforcement officials, lawyers, social workers, medical doctors, health professionals and teachers, and coordination among various governmental bodies involved in children's rights, and encourages States and relevant bodies and organizations of the United Nations system to continue to promote education and training in this regard;

6. *Calls upon* States parties:

(a) To ensure that the members of the Committee on the Rights of the Child are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(b) To strengthen their cooperation with the Committee and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

7. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions, where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting to make possible the full discharge of their mandates;

8. *Calls upon* all States to end impunity for perpetrators of crimes committed against children, and recognizes in this regard the contribution of the establishment of the International Criminal Court, as a way to prevent violations of

human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, to bring perpetrators of such crimes to justice and not to grant amnesties for these crimes;

9. *Encourages* all States:

(a) To strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities, and other statistical indicators at the national, subregional, regional and international levels in order to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

(b) To strengthen their partnership with United Nations organs, within their respective mandates, the Bretton Woods institutions and other multilateral agencies, as well as other relevant actors;

10. *Requests* all relevant organs of the United Nations system, the Office of the United Nations High Commissioner for Human Rights and United Nations mechanisms regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

11. *Encourages* Governments and relevant United Nations bodies, as well as relevant non-governmental organizations and child rights advocates, to continue to contribute, as appropriate, to the web-based database launched by the United Nations Children's Fund so as to continue the provision of information on laws, structures, policies and processes adopted at the national level to translate the Convention into practice, and in this regard commends that body for its work to disseminate lessons learned in the implementation of the Convention;

Promoting and protecting the rights of children and non-discrimination against children, including children in particularly difficult situations

Identity, family relations and birth registration

12. *Calls upon* all States to intensify efforts to ensure the registration of all children immediately after birth, including through the consideration of simplified, expeditious and effective procedures;

13. *Also calls upon* all States to undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law, without unlawful interference and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

14. *Urges* all States to ensure, as far as possible, the right of the child to know and be cared for by his or her parents;

15. *Calls upon* States to guarantee, to the extent consistent with each State's obligations, the right of a child whose parents reside in different States to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents by providing means of access and visitation in both

States, and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

16. *Urges* all States to ensure that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary in the best interest of the child, and, where alternative care is necessary, to promote family and community-based care in preference to placement in institutions, recognizing that such determination may be necessary in a particular case, such as one involving abuse or neglect of the child by the parents or one in which the parents are living separately and a decision must be made as to the child's place of residence;

17. *Calls upon* States to take all necessary measures to ensure that the best interest of the child is the primary consideration in adoptions of children and to take all necessary measures to prevent and combat illegal adoptions and adoptions that do not follow the normal procedures;

18. *Also calls upon* States to take all necessary measures to address the problem of children growing up without parents, in particular orphaned children and children who are victims of family and social violence, neglect and abuse;

19. *Urges* States to address cases of international kidnapping of children by one of the parents;

Poverty

20. *Reaffirms* that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

21. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the development and poverty eradication goals, as set out in the United Nations Millennium Declaration,[6] are realized within their time framework, and to promote the enjoyment of the rights of the child;

Health

22. *Calls upon* all States to take all appropriate measures to develop sustainable health systems and social services and to ensure access to such systems and services without discrimination, and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence, in particular to all vulnerable groups, and calls upon all States parties to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health;

23. *Urges* all States to assign priority to activities and programmes aimed at preventing the abuse of narcotic drugs, psychotropic substances and inhalants as well as preventing other addictions, in particular addiction to alcohol and tobacco, among children and young people, especially those in vulnerable situations, and to

counter the use of children and young people in the illicit production of and trafficking in narcotic drugs and psychotropic substances;

24. *Calls upon* all States to give support and rehabilitation to children and their families affected by human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

25. *Also calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity by making primary education compulsory and available free to all, without discrimination, and ensuring that all children, including girls, children in need of special protection, children with disabilities, indigenous children, children belonging to minorities and children from different ethnic origins, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including, inter alia, affirmative action, contribute to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention;

(b) To develop national plans of action, or to strengthen existing ones, in order to achieve the objectives of Education for All so as to ensure that all boys and girls complete a full course of primary schooling, and reaffirms the coordinating role of the United Nations Educational, Scientific and Cultural Organization in this regard;

(c) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular to enable them to continue and complete their education;

(d) To promote an educational setting that eliminates all barriers that impede the schooling of pregnant adolescents and adolescent mothers;

(e) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing these practices;

(f) To ensure that children, from an early age, benefit from education and from participation in activities that develop respect for human rights and emphasize the practice of non-violence, with the aim of instilling in them the values and goals of a culture of peace, and invites States to develop national strategies for human rights education that are comprehensive, participatory and effective;

(g) To ensure that education programmes and materials reflect fully the promotion and protection of human rights and values of peace, tolerance and gender

equality, using every opportunity presented by the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010;

(h) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

26. *Urges* States:

(a) To take measures to protect students from violence, injury or abuse, including sexual abuse and intimidation or maltreatment in schools, to establish complaint mechanisms that are age appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(b) To take measures to eliminate the use of corporal punishment in schools;

Freedom from violence

27. *Calls upon* States to take all appropriate measures to prevent and protect children from all forms of violence, including physical, mental and sexual violence, torture, child abuse, abuse by police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, and domestic violence;

28. *Also calls upon* States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

29. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situations of violence against children, reflecting their experiences in the field;

Non-discrimination

30. *Calls upon* all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind;

31. *Notes with concern* the large number of children, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children who are victims of these practices, and calls upon States to provide special support and ensure equal access to services for those children;

32. *Calls upon* all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language;

The girl child

33. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

34. *Also calls upon* all States to take necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation against their discrimination to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

35. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities to consider the issue of children with disabilities in its deliberations;

Migrant children

36. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality and to ensure that migrant children and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

Children working and/or living on the street

37. *Also calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

38. *Further calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

Child labour

39. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous to or interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

40. *Urges* all States that have not yet done so to consider ratifying the Convention Concerning the Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization, and calls upon States parties to these instruments to implement them fully and to comply in a timely manner with their reporting obligations;

Children alleged to have or recognized as having infringed penal law

41. *Calls upon*:

(a) All States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights,[13] keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and calls upon those States to abolish by law as soon as possible the death penalty for those below the age of 18 years at the time of the commission of the offence;

(b) All States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(c) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of

[13] See resolution 2200 A (XXI), annex.

last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so, and also to take appropriate steps to ensure that no child in detention is sentenced to forced labour or corporal punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

Recovery and social reintegration

42. *Encourages* States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and relevant international organizations as well as other relevant actors;

Prevention and eradication of the sale of children, child prostitution and child pornography

43. *Calls upon* all States:

(a) To take all appropriate national, bilateral and multilateral measures, inter alia, to develop national laws and allocate resources for the development of long-term policies, programmes and practices and to collect comprehensive data disaggregated by age, gender and other relevant factors, to facilitate the participation of child victims of sexual exploitation in the development of strategies, taking into account their age and maturity, and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(b) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(c) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;[14]

(d) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, while ensuring that, in the treatment by the criminal justice system of children who are

[14] Resolution 55/25, annex II.

victims, the best interests of the child shall be a primary consideration, and to take effective measures against the criminalization of children who are victims of exploitation and effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the country of which the offender is a national or resident, or in the country of which the victim is a national, or any other basis permitted under domestic law in accordance with due process of law;

(e) In cases of the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their physical and psychological recovery and full reintegration into their family and society;

(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as ensuring public awareness;

(g) To afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[5] including assistance in obtaining evidence at their disposal for the proceedings;

(h) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

Children in armed conflict

44. *Recognizes* the inclusion, in the Rome Statute of the International Criminal Court,[15] as a war crime, of crimes involving sexual violence and crimes of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

45. *Urges* all States and all other parties to armed conflicts to end the recruitment and use of children in situations of armed conflict contrary to international law and to ensure their demobilization, effective disarmament and rehabilitation, physical and psychological recovery and reintegration into society;

46. *Urges* all States:

(a) When ratifying the Optional Protocol to the Convention on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article

[15] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

38, paragraph 3, of the Convention, bearing in mind that under the Convention persons below the age of 18 years are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To protect children affected by armed conflict, in particular to protect them from acts that constitute violations of international humanitarian law and human rights law and to ensure that they receive timely, effective and unhindered humanitarian assistance as well as support for physical and psychological recovery;

47. *Emphasizes* the importance of giving systematic consideration to the rights, special needs and particular vulnerability of the girl child during conflicts and in post-conflict situations;

48. *Regrets* the fact that the report on a comprehensive assessment of the United Nations response to the issue of children affected by armed conflict, requested in its resolution 57/190, has not yet been submitted, and reiterates its request to the Secretary-General to submit his report for consideration as soon as possible;

Follow-up

49. *Urges* those States that have not yet done so to complete a national action plan as soon as possible incorporating the goals agreed at the special session of the General Assembly on children, as reflected in its outcome document, "A world fit for children",[8] and to place those goals in the framework of the Convention;

50. *Decides*:

(a) To request the Secretary-General to prepare an updated report on progress achieved in realizing the commitments set out in the document entitled "A world fit for children", with a view to identifying problems and constraints and making recommendations on the action needed to achieve further progress, and to submit his report to the General Assembly at its fifty-ninth session;

(b) To request the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the rights of the child containing information on the status of the Convention and the problems addressed in the present resolution;

(c) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit to the General Assembly, the Security Council and the Commission on Human Rights reports containing relevant information on the situation of children affected by armed conflict, taking into account the outcome document adopted by the General Assembly at its special session on children and bearing in mind existing mandates and reports of relevant bodies;

(d) To request the independent expert for the United Nations study on violence against children to conduct the study as soon as possible, invites Member States, United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations, to provide substantive and, where appropriate, financial support, including through voluntary contributions, for the effective conduct of the study, and invites non-governmental organizations to contribute to the study, taking into account the recommendations of the Committee made following the general discussions on

violence against children held in September 2000 and 2001, and encourages the independent expert to seek also the participation of children in the study, taking into account their age and maturity;

(e) To invite the independent expert conducting the study on the question of violence against children to present an oral progress report on the study to the General Assembly at its fifty-ninth session;

(f) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties to the Convention and its transparent and effective functioning;

(g) To continue its consideration of this question at its fifty-ninth session under the item entitled "Promotion and protection of the rights of children".